

FILED

MAR 04 2010

IN THE UNITED STATES DISTRICT COURT FOR
THE WESTERN DISTRICT OF OKLAHOMA

ROBERT D. DENNIS, CLERK
U.S. DIST. COURT, WESTERN DIST. OF OKLA.
BY Yuh DEPUTY

JERRY L. THOMAS,

Petitioner,

vs.

DAVID C. MILLER,

Respondent.

No. CIV-10-110-W

ORDER

On February 5, 2010, United States Magistrate Judge Doyle W. Argo issued a Report and Recommendation in this matter and recommended that the Application to Proceed Without Prepayment of Fees filed by petitioner Jerry L. Thomas be denied and that Thomas be ordered to prepay the filing fee of \$5.00 in full so that this action may proceed. Magistrate Judge Argo also recommended that the Court dismiss the matter without prejudice unless Thomas timely paid the filing fee.¹

The record reflects that Thomas not only has sufficient funds in his inmate savings account to pay the filing fee, but also has now paid the filing fee of \$5.00 in full. See Doc. 9.

Accordingly, the Court

(1) ADOPTS the Report and Recommendation [Doc. 6] issued on February 5, 2010;


(2) DENIES Thomas' Application to Proceed Without Prepayment of Fees [Doc. 2]

¹On February 22, 2010, Thomas filed a Motion to Order LCF Trust Fund Officer to Pay Filing Fee [Doc. 7], wherein he urged the Court to order the trust fund officer at Lawton Correctional Facility to withdraw from Thomas' mandatory savings account the sum of \$5.00 to pay the filing fee. On February 23, 2010, Magistrate Judge Argo denied Thomas' motion, but advised Thomas that he could present a copy of the Report and Recommendation issued on February 5, 2010, to the appropriate prison officials to facilitate payment of the filing fee. See Doc. 8.

file-stamped February 3, 2010; and

(3) RE-REFERS this matter to Magistrate Judge Argo for further proceedings.

ENTERED this 4th day of March, 2010.


LEE R. WEST
UNITED STATES DISTRICT JUDGE